



# HOUSE OF REPRESENTATIVES

HB 2224

private firearm transactions; prohibited encumbrances

Prime Sponsor: Representative Lawrence, LD 23

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**DPA** Committee on Judiciary

**DPA** Caucus and COW

**X** House Engrossed

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## **OVERVIEW**

HB 2224 states that private-party firearm transfers between persons who are not prohibited possessors are not subject to fees, taxes or assessments imposed by the state or political subdivisions.

## **PROVISIONS**

1. Prohibits the state or any political subdivision from charging / levying a fee, tax, assessment, lien or other encumbrance on the transfer of a firearm between two private parties who are not prohibited possessors under state or federal law.
2. Defines *firearm*, *private party* and *transfer*.

## **CURRENT LAW**

[A.R.S. § 13-3108](#) prohibits any political subdivision of the state from enacting any ordinance, rule or tax relating to the sale, transfer, purchase, acquisition or gift of firearms, ammunition, related components or accessories. The statute exempts privilege or use tax on the retail sale, lease or rental of firearms, ammunition or related components at a rate that generally applies to other items of tangible personal property (Subsection G, paragraph 1). Additionally, [A.R.S. § 13-3118](#) prohibits any state agency or political subdivision from enacting or implementing any law, rule or ordinance relating to the possession, transfer or storage of firearms that isn't provided for in statute, with specific exemptions. The statute does not specifically address taxes, fees, assessments or encumbrances as related to firearm transfers.

Federal law ([18 USC § 922\(g\)](#)) designates certain persons as being unable to ship, transport or possess firearms. The federal statute is slightly different from the state definition of a *prohibited possessor* under ([A.R.S. § 13-3101\(7\)](#)). Included in the federal definition but not in the state definition are persons who:

- Use or are addicted to controlled substances;
- Have received a discharge from the Armed Forces under dishonorable conditions; or
- Are the subjects of an order of protection or have been convicted of a misdemeanor domestic violence offense. [A.R.S. § 13-3101](#) includes a person on probation for misdemeanor domestic violence as a *prohibited possessor*. The court, in issuing an order of protection, may prohibit a defendant from possessing a firearm for the duration of the order if the court finds that the defendant is a credible threat ([A.R.S. § 13-3602](#))